



Eric Gonzalez
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In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS NAME: STEPHEN SHEPPARD

MOS TAX: 945001

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. In addition to any information provided below, disciplinary information regarding this officer may exist online at the following websites: <https://www1.nyc.gov/site/ccrb/policy/MOS-records.page>, <https://nypdonline.org/link/13>, and <https://www.50-a.org>. The People make no representation regarding the accuracy of any information contained on these websites. In addition, the People have provided all lawsuits known to the People through NYPD documents, the NYC Law Department's public website of civil suits filed against officers (<https://www1.nyc.gov/site/law/public-resources/nyc-administrative-code-7-114.page>), and orally relayed to the People by officers. Please note that additional cases may or may not exist on the following public websites: <https://pacer.uscourts.gov/>, <https://iapps.courts.state.ny.us/webcivil/FCASMain>; and <https://iapps.courts.state.ny.us/nyscef/Login>. The People reserve the right to object to the use or introduction of any or all disclosures provided below and any other potential impeachment information.

Disclosure #1:

IN A DECISION, PEOPLE V. CHRISTOS DEDES, 2015 NY SLIP OP 51741(U) (CRIM. CT. KINGS CTY., NOV. 12, 2015), JUDGE DENA DOUGLAS FOUND THE HEARING TESTIMONY GIVEN BY POLICE OFFICER STEPHEN SHEPPARD, SHIELD NUMBER 13816, WITH REGARD TO HIS SEARCH OF A VEHICLE AND RECOVERY OF GLASSINES CONTAINING HEROIN TO HAVE BEEN "INCREDIBLE." THE COURT NEVERTHELESS DENIED THE DEFENDANT'S MOTION TO SUPPRESS, BECAUSE, THE COURT CONCLUDED, THE DEFENDANT LACKED STANDING TO MOVE FOR SUPPRESSION.

A COPY OF THE DECISION IS ATTACHED BELOW.

Disclosure #2:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION, DATED 01/19/2014, AGAINST MOS SHEPPARD:
ALLEGATION:

1. DEPARTMENTAL RULES AND VIOLATIONS - TRAFFIC VIOLATIONS BUREAU - COURT NON-APPEARANCE
CASE STATUS: CLOSED ON 02/10/2014

Disclosure #3:

THE FOLLOWING ALLEGATIONS ARISING FROM CCRB CASE 201402388, DATED 03/02/2014, WERE SUBSTANTIATED AGAINST MOS SHEPPARD:
ALLEGATIONS:

1. MOS SHEPPARD, ASSIGNED TO THE 90TH PRECINCT, IMPROPERLY STOPPED AN INDIVIDUAL KNOWN TO THE DEPARTMENT AT A TIME, DATE AND LOCATION KNOWN TO THE DEPARTMENT
2. MOS SHEPPARD, IMPROPERLY FRISKED THE AFOREMENTIONED INDIVIDUAL AT THE ABOVE-MENTIONED TIME, DATE AND LOCATION
3. MOS SHEPPARD, IMPROPERLY SEARCHED THE AFOREMENTIONED INDIVIDUAL AT THE ABOVE-MENTIONED TIME, DATE AND LOCATION

CASE STATUS: CLOSED ON 09/02/2015

ACTION TAKEN: SCHEDULE B COMMAND DISCIPLINE, WARNED AND ADMONISHED WITH INSTRUCTION

Disclosure # 4:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATIONS, DATED 01/02/2018, AGAINST MOS SHEPPARD:

ALLEGATIONS:

1. INVOICE DISCREPANCY - LAB - CONTROLLED SUBSTANCE
2. REPORT INCOMPLETE/ INACCURATE - PROPERTY CLERK INVOICE

CASE STATUS: CLOSED ON 04/26/2018

ACTION TAKEN: VERBAL INSTRUCTIONS

Disclosure # 5:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATIONS, DATED 03/11/2018, AGAINST MOS SHEPPARD:

ALLEGATIONS:

1. INVOICE DISCREPANCY - LAB - MARIJUANA
2. REPORT INCOMPLETE/INACCURATE - PROPERTY CLERK INVOICE

CASE STATUS: CLOSED ON 05/26/2018

ACTION TAKEN: VERBAL INSTRUCTIONS

Disclosure # 6:

THE PEOPLE ARE AWARE OF THE FOLLOWING FEDERAL CIVIL RIGHTS ACTION(S) AND/OR STATE TORT CIVIL LAWSUIT(S) IN WHICH THE INDICATED OFFICER HAS BEEN NAMED AS AN INDIVIDUAL DEFENDANT. NOTE, THE DISPOSITION INFORMATION MAY NOT BE CURRENT:

PLAINTIFF	DOCKET #	COURT	FILED	DISPOSED	DISPOSITION
CURTIS OUTLAW	507694/2020	SUPREME COURT – KINGS	5/28/2020	UNKNOWN	UNKNOWN

BASED UPON CCRB DOCUMENTS UP TO DATE THROUGH MAY 07, 2021, THE PEOPLE ARE AWARE OF THE FOLLOWING CCRB SUBSTANTIATED AND/OR PENDING ALLEGATIONS AGAINST THIS OFFICER:

Disclosure # 7:

CCRB NO. 200804416

REPORT DATE: 03/27/2008

INCIDENT DATE: 03/24/2008

SUBSTANTIATED CCRB ALLEGATION(S):

1. ABUSE – QUESTION

DISPOSITION: SUBSTANTIATED; NYPD ISSUED INSTRUCTIONS BUT NO DISCIPLINARY ACTION.

Disclosure # 8:

CCRB NO. 201209936

REPORT DATE: 08/02/2012

INCIDENT DATE: 07/27/2012

OTHER MISCONDUCT NOTED:

1. OMN – FAILURE TO PREPARE A MEMO BOOK ENTRY

Disclosure # 9:

CCRB NO. 201402388

REPORT DATE: 03/12/2014

INCIDENT DATE: 03/02/2014

SUBSTANTIATED CCRB ALLEGATION(S):

1. ABUSE – FRISK
2. ABUSE – SEARCH (OF PERSON)
3. ABUSE – STOP

DISPOSITION: SUBSTANTIATED, NYPD ISSUED COMMAND DISCIPLINE B

Disclosure # 10:

CCRB NO. 201509532

REPORT DATE: 11/08/2015

INCIDENT DATE: 10/30/2015

OTHER MISCONDUCT NOTED

1. OMN – FAILURE TO PREPARE A MEMO BOOK ENTRY

Disclosure # 11:

CCRB NO. 201901603

REPORT DATE: 02/21/2019

INCIDENT DATE: 02/07/2019

SUBSTANTIATED CCRB ALLEGATION(S):

1. ABUSE – REFUSAL TO PROVIDE SHIELD NUMBER

DISPOSITION: INSTRUCTIONS ISSUED

Disclosure # 12:

CCRB NO. 201906798

REPORT DATE: 08/02/2019

INCIDENT DATE: 07/31/2019

SUBSTANTIATED CCRB ALLEGATION(S):

1. ABUSE – STRIP-SEARCHED

Disclosure # 13 (PENDING):

CCRB NO. 201909656

REPORT DATE: 11/06/2019

INCIDENT DATE: 11/05/2019

PENDING CCRB ALLEGATION(S):

1. ABUSE – FAILURE TO PROVIDE RTKA CARD
2. ABUSE – STOP
3. DISCOURTESY – WORD

Disclosure # 14 (PENDING):

CCRB NO. 202000887

REPORT DATE: 02/03/2020

INCIDENT DATE: 01/07/2020

PENDING CCRB ALLEGATION(S):

1. DISCOURTESY – WORD

Disclosure # 15 (PENDING):

CCRB NO. 202001468

REPORT DATE: 02/21/2020

INCIDENT DATE: 02/07/2020

PENDING CCRB ALLEGATION(S):

1. ABUSE – STOP

2. ABUSE – THREAT OF ARREST

Eric Gonzalez
District Attorney
Kings County

SEE ATTACHMENT BELOW.

[*1]

People v Dedes
2015 NY Slip Op 51741(U)
Decided on November 12, 2015
Criminal Court Of The City Of New York, Kings County
Douglas, J.
Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431.
This opinion is uncorrected and will not be published in the printed Official Reports.

Decided on November 12, 2015

Criminal Court of the City of New York, Kings County

The People of the State of New York
against
Christos Dedes, Defendant.

2015KN041513

Kenneth P. Thompson, District Attorney, Kings County, (ADA Jonathan I. Smith) for the People

Legal Aid Society (Thomas E. Nixon Friedman, Esq.), for Defendant

Dena E. Douglas, J.

Defendant Christos Dedes is charged with criminal possession of a controlled substance in the seventh degree (PL § 220.03). Defendant seeks to suppress five (5) glassine envelopes

containing heroin that were discovered during a traffic stop of a vehicle in which defendant was traveling as a passenger, on the basis that observation of the glassine envelopes within the vehicle was the result of an unlawful search. Defendant argues that the police did not have probable cause to search the vehicle, thus making the glassines inadmissible as "fruit of the poisonous tree." (People v *Dunaway* 442 US 200 [1979], *Mapp v Ohio*, 367 US 643 [1961]). The People oppose defendant's motion and argue that defendant does not have standing to challenge the traffic stop or the search of the vehicle in which the controlled substance was discovered, because as a mere passenger, he had no expectation of privacy.

A combined *Dunaway/Mapp/Huntley* hearing was conducted before the court in on October 8 and 9, 2015, after which the parties were directed to submit memoranda regarding the two principal issues: a) whether the Police had probable cause to search the vehicle, and b) whether defendant has standing to move for suppression of the contraband found under the passenger seat of the vehicle.

The court has reviewed the defendant's moving papers, the People's response, relevant statutes and case law, and for the reasons discussed hereafter, [*2]denies the defendant's motion.

FACTUAL SUMMARY

The parties do not dispute that Police Officer Stephen Sheppard testified during the hearing that he stopped the vehicle in which defendant was a passenger because the driver of the vehicle made a left turn at a site marked "No Left Turn". Officer Sheppard testified that he, while speaking with the driver, leaned into the vehicle and shone his flashlight therein, whereupon he observed two glassine envelopes containing heroin residue on the floor of the vehicle, on the driver's side floorboard. Officer Sheppard then searched the vehicle, finding five (5) glassines of heroin in a cigarette box under the front passenger seat, where defendant had been previously seated. The occupants were then arrested for possession of heroin. Officer Sheppard testified that the two glassines envelopes containing residue that were allegedly observed on the driver's side floorboard were not vouchered and were "thrown away".

STANDING

The invocation of the right to be secure against unreasonable searches and seizures (*NY Const*, art I, § 12; *US Const* 4th and 14th Amendments) and its exclusionary enforcement (*Weeks v United States*, 232 U.S. 383; *Mapp v Ohio*, 367 U.S. 643) require personal standing to challenge governmental action. There is no legal basis for suppression unless the accused alleges facts that, if true, demonstrate that defendant has standing to challenge the aforementioned search or seizure. (See *People v Rodriguez*, 69 NY2d 159, 161, [1987].) A defendant seeking suppression of evidence has the burden of establishing standing by demonstrating a legitimate expectation of privacy in the premises or object searched (*People v Ramirez-Portoreal*, 88 NY2d 99 [1996]).

The test regarding whether defendant has a legitimate expectation of privacy has two components. The first is a subjective component—did defendant exhibit an expectation of privacy in the place or item searched, that is, did he seek to preserve something as private (see, *Smith v Maryland*, 442 US 735, 740[1979]; [People v Bowden](#), 27 Misc 3d 1226[A][Sup Ct, Bronx Co, 2010]). The second component is objective—does society generally recognize defendant's expectation of privacy as reasonable, that is, is his expectation of privacy justifiable under the circumstances (see, *id.*, at 740-741; see, e.g., *People v Mercado*, 68 NY2d 874, 876, cert denied 479 US 1095).

Here, defendant makes no argument regarding his standing to move for suppression of the physical evidence. The standing requirement is satisfied where the accused manifests an expectation of privacy with respect to the location or item searched that society recognizes to be objectively reasonable under the circumstances ([People v. Burton](#), 6 NY3d 584, 587-88 [2006]). In fact, however, defendant was noticed, pursuant to CPL § 710.30, as expressly denying ownership of the drugs discovered under the front passenger seat. Additionally, the People correctly allege that defendant does not enjoy automatic standing since he is not charged under the statutory presumption described in Penal Law § 220.25. However, under constructive possession, the People now bear the substantial burden of establishing defendant's ability and [*3]intent to exercise dominion and control over the contraband. *People v Wesley*, 73 NY2d 351, 361-62 (1989).

Defendant has not established standing to exercise the right to move for suppression of

physical evidence. Because defendant does not have standing to move for suppression the court does not reach the question of whether there was probable cause to search the vehicle in question.

In our view, however, under the facts as testified to by the arresting officer, and with a reasonable view of the evidence offered, there was no predicate for the search of the vehicle. Officer Sheppard's testimony that he conducted a further search of the vehicle based on having seen two glassines containing heroin residue on the floorboard near the driver is incredible, especially in that he did not report the existence of these glassines in his paperwork and he did not vouch for the glassines, but alleges instead that he threw them away. The plain view doctrine is also inapposite here, as Officer Sheppard made his observation of the alleged contraband by leaning into the vehicle and shining a flashlight around, thus constituting a search. *People v. Young*, 207A.D.2d 465, 465-66, (2nd Dept., 1994)

CONCLUSION

Defendant lacks standing to file a motion to suppress evidence and his motion to suppress is denied.

Dated: November 12, 2015
Brooklyn, NY

Dena E. Douglas
Judge of the Civil Court

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